



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

January 24, 2012

Mr. Clyde Rhodes, Chief  
Hazardous Waste Division  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317

Dear Mr. Rhodes:

Enclosed is the FY2011 Resource Conservation and Recovery Act (RCRA) End of Year Review report detailing the December 1, 2011, conference call held with the Environmental Protection Agency (EPA) and Arkansas Department of Environmental Quality (ADEQ) staff. During this review, we discussed the state's progress during FY2011 (October 1, 2010, through September 30, 2011). This overall programmatic and grant review included ADEQ's progress in meeting the Government Performance and Results Act (GPRA) goals. The hazardous waste program activities, funded by the RCRA, Subtitle C, Section 3011 cooperative agreement, were also discussed, and those accomplishments are documented in the enclosed End of Year Work plan Matrix and Oversight Document. Overall, we affirm the State's RCRA program is operating exceptionally well, and we salute your success in meeting the EPA's permitting and corrective action GPRA goals.

At the end of the year 2011, the State has addressed EPA's concern regarding RCRA Clusters XVI through XIX submission. The State adopted regulatory revisions of portions of RCRA Clusters XVI through XIX on August 26, 2011 and became effective September 26, 2011. Therefore, an amended Attorney General's Certification is needed to grant authorization for the rest of the rules that are not authorized in RCRA Clusters XVI through XIX. EPA has prepared a Federal register notice to authorize the State for Standardized Permit for RCRA Hazardous Waste Management Facilities, NESHAP: Final Standards for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) Amendments, F019 Exemption for Wastewater Treatment Sludges from Auto Manufacturing Zinc Phosphating processes, and Academic Laboratories Generator Standards. The EPA used the Independent Legal Counsel Certification dated December 20, 2010 to authorize the State for these rules. The State has adopted RCRA Cluster XX rules, and the draft application will be submitted to EPA by March 2012.

In the area of permitting and permit renewal, ADEQ is 100 percent permitted and has no backlog of renewals. ADEQ has completed seven of seven renewals for the FY09-FY11 time period.

ADEQ continues to lead the Region in corrective action progress on GPRA sites. Arkansas is making excellent progress toward all GPRA Corrective Action (CA) goals for FY09-11 and beyond. Human exposure is 100 percent controlled (FY11 Goal is 72 percent). Ground water is 94 percent controlled (FY11 goal is 64 percent). Remedies Selected are at 90 percent (no goal). Construction Complete is 71 percent complete (FY11 goal is 38 percent).

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No Ready for Reuse candidates were identified in FY11. In May, the EPA coordinated with ADEQ to verify land revitalization status for national reporting. In response, ADEQ completed and provided the Region with sitewide/areawide Ready for Anticipated Use (RAU) determinations for a number of state-lead RCRA 2020 facilities.

In the area of Program Management, ADEQ is always timely in submitting any changes or updates to the Quality Assurance Project Plan (QAPP). ADEQ's QAPP was received on July 25, 2011 and was reviewed and approved on August 18, 2011. ADEQ RCRA staff attended the following trainings: Toxic Substance Control Act (TSCA) Training, FRET Training, Basic and Advanced Hazardous Waste Training (ASTSWMO), All States Meeting, Processed Based Inspections, (ASTSWMO/HQs/NETI), Sampling Training, Mid-Year ASTSWMO Sessions, Annual ASTSWMO Sessions, Arkansas Environmental Federation Meeting/Training, Inspection Documentation, Interviewing Techniques, Electronic Waste: Enforcement Issues Concerning Disposal, RCRA Subparts AA, BB, & CC, 40-Hour HAZWOPER (new inspectors), 8-Hour HAZWOPER Refresher (all field staff), Basic Inspector Training, RCRA Cradle-To-Grave, Introduction to RCRAInfo, Inspection Process and ADEQ representatives attended the All States Meeting in Dallas in March.

The ADEQ stated in the conference call that their staff is in need of the following training: Basic Authorization, Subtitle C, Financial Assurance and RCRA Fundamentals. The Region is currently finalizing training plans for 2012 and will notify the states of upcoming training opportunities.

ADEQ maintains the RCRAInfo database in an exemplary manner and meets the standards set forth in the work plan.

During the period of October 1, 2010, through September 30, 2011, ADEQ conducted inspections at 14 Treatment, Storage and Land Disposal (TSD) facilities (includes 1 Federal Facility). ADEQ inspected 91% of the Operating TSDF Universe (from an October 17, 2011 RCRAInfo report), exceeding the 50% annual coverage of Operating TSDFs. ADEQ conducted inspections at 31 Large Quantity Generators (LQGs). ADEQ inspected 23% of the LQG Universe (LQG Universe 131 based on an RCRAInfo pull at the beginning of the FY). Overall, ADEQ conducted 113 total inspections.

The National Goal for Significant Non-Compliers (SNC) identification is 1.15% of inspections should result in identifying SNCs. There were 22 SNCs identified during the period of 10/1/2010 through 9/30/2011, resulting in a 25% SNC identification rate for ADEQ.

The number of sites in Significant Non-Compliers (SNCs) status, during this period is 22. Eighteen (18) of the sites in SNC were addressed with formal enforcement (see table below), 17 of which were within the timelines outlined in the Enforcement Response Policy (ERP), the 1 remaining site is considered as "addressed timely" under an alternative schedule as allowed by the ERP. The remaining facilities in SNC status were not due for enforcement at the time of this report.



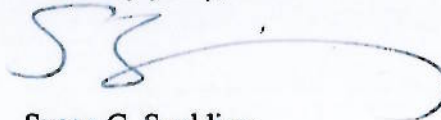
In addition, 97 informal enforcement actions were issued to secondary violators. RCRAInfo shows 94 percent of final formal enforcement actions included a penalty, exceeding the National goal of 39 percent. These accomplishments are addressed in the enclosed End of Year Enforcement Report.

EPA provided a letter, as you requested, noting that EPA has accepted ADEQ's Annual Report of accomplishments for the 2011 RCRA grant. Your report is still being routed through the other EPA managers and staff for review and we will provide ADEQ suggestions for the 2012 RCRA grant Annual Report.

I also wanted to let you know that the RCRA grant Oversight document we will use at the Midyear Review will look a little different from the document used for the End of Year review. Region 6 is revising the current Oversight document to more clearly describe each state's accomplishments, and we will give ADEQ an opportunity to provide comments as the revised Oversight document is developed.

In conclusion, we appreciate the opportunity to work with your staff. We anticipate your continued success in planning and accomplishing activities for the upcoming fiscal year in order to meet our mutual goals in the RCRA program. If you have any questions, please call me at (214) 665-8022, or Ms. Terrie Wright, Arkansas Project Officer, at (214) 665-8453.

Sincerely yours,



Susan G. Spalding  
Associate Director for RCRA  
Multimedia Planning & Permitting Division

Enclosures

cc: Ms. Tammie Hynum, Arkansas Department of Environmental Quality  
Ms. Penny Wilson, Arkansas Department of Environmental Quality  
Ms. Tamara Almand, Arkansas Department of Environmental Quality  
Mr. Richard Healey, Arkansas Department of Environmental Quality  
Mr. Tom Ezell, Arkansas Department of Environmental Quality  
Mr. Larry Ward, Arkansas Department of Environmental Quality



STATE OF ARKANSAS RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

HAZARDOUS WASTE GRANT PROGRAM

2011 End Of Year Status Report prepared by the Environmental Protection Agency, Region 6

PROGRAM ELEMENT #1 – AUTHORIZATION

(\$30,000 is allocated for Element #1)

**Objectives:** The authorization of States for revisions to the RCRA Subtitle C program supports the Agency objectives of safe waste management and cleanup at hazardous waste sites. The State and EPA maintain a strong commitment to the authorization of State programs, the enhancement of the State and Federal relationship, and to ensure full adoption and authorization for RCRA rules, as soon as possible, and:

1. Promote the Express Authorization initiative so that it is widely used by States by providing timely implementation assistance to States.
2. Reduce barriers to authorization, thereby expediting the authorization process.

**Performance Measure:** Rules adopted and checklists submitted for authorization demonstrate the State's commitment to full participation in the RCRA program. The ADEQ and EPA will view rule adoption and authorization as measures of success.

**Activity A: EPA/State Authorization Coordination Activities**

**Task 1:** During the year, EPA and ADEQ will actively participate in identifying problems and developing solutions and strategies for the authorization process.

**Task 2:** The ADEQ will support EPA's codification of ADEQ's authorized hazardous waste program.

**Activity B: Maintain Equivalency to the Federal Program**

**Task 1:** The ADEQ will maintain equivalency to the Federal program during ADEQ-initiated program modifications - statutory, regulatory, and administrative.

**Task 2:** The ADEQ will notify EPA within sixty (60) days of any State legislation changes that could become a national concern or impact the State's authorized program. The State will submit to EPA regulatory changes and State-initiated program modifications - statutory, regulatory, and administrative.

**Activity C: EPA Review of Authorization Applications**

**Task 1:** By September 30, 2011, ADEQ will complete and forward a draft application for RCRA Cluster XX to EPA.

**Task 2:** EPA shall review draft applications and provide a complete set of comments on the same to ADEQ within forty-five (45) days of receipt of the application.

**Task 3:** Within 45 days after receipt of EPA's comments on the draft application for RCRA Cluster XX, ADEQ will prepare and submit a final application to EPA for authorization of these clusters.

**Task 4:** EPA shall initiate the necessary actions to publish the decision on a final application within forty-five (45) days of the receipt of all responses to comments and settlement of any associated issues for that application.

**EPA END-OF-YEAR COMMENTS:**

**RCRA Clusters XVI through XIX :** At the end of the year EPA has prepared a immediate final Federal Register (FR) notice to authorize the State portions of RCRA Clusters XVI through XIX. The authorized rules in the FR notice are: (1) Standardized Permit for RCRA Hazardous Waste Management Facilities, (2) NESHAP : Final Standards for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) Amendments, (3) F019 Exemption for Wastewater Treatment Sludges from Auto Manufacturing Zinc Phosphating processes, and (4) Academic Laboratories Generator Standards. The FR notice is under review by Office of Regional Counsel The State has adopted RCRA Cluster XX rules, which the draft application will be submitted to EPA by March 2012.

**Codification:** EPA has codified the State for Clusters III through XV effective August 27, 2010.

The State has met its commitments in State authorization.



**PROGRAM ELEMENT #2 - PERMITTING & CLOSURE**

(\$150,000 is allocated for Element #2)

**Objective:** The strategic goals for permit and closure activities at hazardous waste facilities are:

1. Demonstrate substantial progress in permitting land disposal and combustion facilities as determined by the GPRA permitting list of these facilities.
2. Demonstrate substantial progress in reducing risks at inactive land disposal facilities.

Grant funds are provided to the State of Arkansas and ADEQ for managing the RCRA program. Targets in the work plan are one means to measure that progress and are not the only means the state may use to demonstrate appropriate management of the RCRA program. As the universe of available facilities from which to code targets shrinks, EPA's expectation of annual targets will also shrink.

COMMITMENTS			
Activity	RCRAInfo Codes	2011 Targets	2011 End Of Year Targets Met
Final Determinations or Permit Modifications Incorporating Unpermitted Units for Combustion Facilities (BIF, Incinerator or Miscellaneous Subpart X Units) <i>[GPRA facilities only]</i>	OP200/OP240 & OP270	1	Rineco – not completed
Final Determinations or Permit Modifications Incorporating Unpermitted Units for Land Disposal or Storage Treatment Facilities <i>[GPRA facilities only]</i>	OP200/OP240 & OP270	0	EPA has worked with ADEQ to provide input into the Rinco Class 3 modification, ADEQ has made substantial progress on this court ordered permit modification. In addition ADEQ has issue closure plan approvals to Clean Harbors and Great lakes. Permit modification have also been completed for Austin Powder (RADD), Aerojet (OBU Closure), Pinebluff Arsenal
Final Determinations or Permit Modifications Incorporating Unpermitted Units at Land Disposal Post-Closure Facilities <i>[NON-GPRA facilities]</i>	OP200/OP240 PC200/PC240 & PC270	0	
Permit Renewals for Combustion Facilities, Land Disposal or Storage Treatment Facilities <i>[GPRA facilities only]</i>	OP200 & OP270	2	
Permit Renewals for Combustion Facilities, Land Disposal or Storage Treatment Facilities or Land Disposal Post-Closure Facilities <i>[NON-GPRA facilities]</i>	PC200 & PC270	0	
Closure Plan Approvals/Certifications/Verifications	CL360/CL380 & PC380	1	Ash Grove, Clean Harbors, Great Lakes
ADEQ will undertake activities, as outlined above, to change GPRA facilities from the category "not under control" to "under control".	No code	0	
Other EPA and/or State RCRA Permitting Priorities	No code	0	

**Footnote:** ADEQ reserves the right to trade out the 2 Permitting activities listed in "Permit Renewals for Combustion Facilities, Land Disposal or Storage Treatment Facilities [GPRA facilities only]" for other permitting activities that at least equal the man hours committed to in this Program Element. EPA and ADEQ will confer as needed via conference call to keep abreast of permitting issues.

**ADEQ PERMITTING:** **100% PERMITTED**

**ADEQ PERMIT RENEWALS for FY09-FY11: 7 of 7 COMPLETED.**

**FACILITIES REMAINING FOR RENEWAL FY09-FY11 PER RCRAinfo**



**PROGRAM ELEMENT #3 - CORRECTIVE ACTION** (\$250,000 is allocated for Element #3)

**Objective:** The Corrective Action program has these overriding program goals:

1. Focus program resources and actions at GPRA priority facilities.
2. Maximize actual environmental results.
3. Streamline and accelerate the pace of the program.

RCRAInfo Codes	Corrective Action	FY2011 Targets	FY2011 End Of Year Targets Met
CA725	Human Exposures Controlled (total completed by End of Year)	0	1 ARD093417525 Austin Powder Company
CA750	Groundwater Releases Controlled (total completed by End of Year)	0	2 ARR000005736 Kearney National, Inc. – D040 Impact Area
CA400	<u>Entire Facility</u> Remedy Selected/Corrective Measures Imposed (total completed by End of Year)	1	1 ARD000021998 – Lion Oil Company SWMU 5 - Acid Tar Pits; SWMUs 2, 3,6 & 15 (CAMUs); SWMUs 2, 3, & 18 (CAMUs)  ARD093417525 Austin Powder Company SWMU #1 Entire Facility; SWMU #1 OB/OD Area
CA550	<u>Entire Facility</u> Remedy Completed or Construction Completed (total completed by End of Year)	0	ARD093417525 Austin Powder Company SWMU #1 Entire Facility; SWMU #1 OB/OD Area
	<b>Other EPA and/or State Corrective Action Priorities</b>	0	(CA200) ARD093417525 Austin Powder Company – SWMU #1 Entire Facility; SWMU #1 OB/OD Area  (CA380) ARD093417525 Austin Powder Company – SWMU #1 Entire Facility; SWMU #1 OB/OD Area  (CA800) ARD980867873 Armtex Countermeasures Company – Entire Facility  (CA800) ARD981512270 Ash Grove Cement Company – Entire Facility  (CA800) ARD981057870 Rineco Chemical Industries, Inc. – Entire Facility  (CA800) ARD054575238 Safety Clean Systems, Inc. – Entire Facility



			(CA800) ARD035663301 The Colonels Factory Outlet of Arkansas, Inc. – Entire Facility
			(CA800) ARD983285230 University of Arkansas – Harmon Rd.
CA350 CA375 CA400	Corrective Measures (CMS) Reports Approved Decision on Petition for No Further Action Remedy Selected/CM Imposed (Unit Level)	0	
CA550 CA600 CA650 CA999	Remedy Completed or Construction Completed (Unit Level) Stabilization Measures Implemented Stabilization Measures Completed CA Terminated (Entire Facility)	0	

**Footnote:** ADEQ reserves the right to trade out the 1 Corrective Action activity listed in “Other EPA and/or State Corrective Action Priorities” or in “Entire Facility Remedy Selected/Corrective Measures Imposed” for other Corrective Action activities that at least equal the man hours committed to in this Program Element.

**Achievements/Projections for 31 Arkansas Facilities on the Region 6 GPRA 2020 Baseline as related to the 2020 GPRA Region 6 Goals**

	FY09*	FY11**	FY11 Actual vs Grant	FY11 Goal	FY20 Goal
CA725 Human Exposures	30/31 (97%)	31/31 (97%)	1/0	72%	29 (95%)
CA750 Ground Water	26/31 (84%)	29/31 (90%)	2/0	64%	29 (95%)
CA400 Remedy Selection	25/31 (81%)	28/31 (87%)	1/1		
CA550 Construction Complete	20/31 (65%)	22/31 (71%)	0/0	38%	29 (95%)

\* Actual number of total facilities on baseline achieving measurement as of 10/13/2009.

\*\* Actual number of total facilities on baseline Achieving measurement as of 09/30/2011



## **CORRECTIVE ACTION STREAMLINING AND RE-USE ACTIVITIES WITH ADEQ**

**Objective:** The corrective action program is now driven by four new site-wide GPRA environmental indicators (EIs): the control of current human exposure (CA725), the control of the migration of contaminated ground water (CA750), remedy selected (CA400) and construction complete (CA550). EPA included the first two indicators as performance objectives for high-priority RCRA facilities to be achieved by the end of FY2005, and set a new goal for all four to be achieved by the end of FY2008. ADEQ has made great progress over the past several years in instituting corrective action streamlining concepts into their cleanup program.

**Activity A:** Region 6 and ADEQ will continue to work together to further develop and implement practical, innovative performance and risk-based corrective action strategies to achieve both state and federal cleanup goals and priorities. Streamlined approaches used during sampling, analysis, risk evaluation, and information management activities will lead to smarter, faster work strategies, resulting in long term protective remedies. Lessons learned from these approaches will be used to guide the way data is collected and analyzed for future site cleanup decisions in other state programs and regions.

**Activity B:** ADEQ will continue to support the RCRA Brownfields and Ready for Reuse programs.

**Activity C:** Region 6 and ADEQ will work together to implement the new land reuse measures and indicators pursuant to the EPA's February 21, 2007, "Guidance for Documenting and Reporting RCRA Subtitle C Corrective Action Land Revitalization Indicators and Performance Measures."

**Activity D:** ADEQ will assist Region 6 in obtaining and verifying land reuse measures and indicators information for the 2008 and 2020 GPRA baseline facilities, which is not available in the RCRAInfo database. Such information may include:

- Cleanup status (e.g., CA725, 750, 400, 550, 800, 999) for site-wide or area-specific determinations
- Institutional controls and/or engineering controls in place
- Acres
- Types of use
- Status of use

**Activity E:** Region 6 and ADEQ will work together to enhance greener cleanups in FY2011. EPA and ADEQ will encourage the following remediation principles and practices:

- Reuse: Re-using material onsite during remediation activities, such as using onsite water for dust suppression; re-using (instead of scrapping) emptied cylinders or tanks, re-using bricks extracted during demolition
- Re-cycling: Salvaging and selling scrap materials
- Waste Stream Reduction: Treating wastes onsite versus transfer for offsite disposal; carefully managing wastes streams to segregate wastes into lesser categories (determined on a case-by-case basis)
- Resource Conservation: Using cleaner energy; using alternative energy sources; reducing the volume of clean water needed

## **EPA END-OF-YEAR COMMENTS:**

EPA will coordinate, as needed, with ADEQ to verify land revitalization status for national reporting. (As of 9/30/10, EPA and/or ADEQ had identified 7/31 facilities Ready for Anticipated Use (CA 800), and 30/31 facilities Protective for People (CA 725).



**PROGRAM ELEMENT #4 - PROGRAM MANAGEMENT****(\$65,000 allocated for Element #4)**

**Objective:** The EPA will transmit all significant guidance documents to ADEQ with a cover letter clearly stating the purpose of the documents. Within forty-five (45) days after receipt, ADEQ will provide EPA a written response identifying any problems with guidance implementation. The EPA and ADEQ will arrive at a solution/decision on guidance implementation pursuant to the EPA/ADEQ Memorandum of Agreement (MOA).

**Activity A: Quality Assurance**

The ADEQ must submit an updated FY2013 Quality Assurance Project Plan (QAPP) sixty (60) days prior to October 1, 2012. If there have been no changes to the QAPP from FY2012, ADEQ must submit a new signature page and documentation stating that the QAPP is current.

**Activity B: Training**

The ADEQ will present the RCRA core curriculum courses or their equivalent as needed for new staff and ensure all ADEQ personnel are kept up-to-date in all new rules and regulations. Training for RCRA inspectors must be provided to ensure compliance with EPA Order 3500.1.

**EPA END-OF-YEAR COMMENTS:** Arkansas [ADEQ] Quality Assurance Project Plan (QAPP) was received on July 25, 2011, reviewed and approved by Linh Nguyen on August 18, 2011. ADEQ RCRA staff took the following trainings: TSCA Training, FRET Training, Basic and Advanced HW Training (ASTSWMO), All States Meeting, Processed Based Inspections, (ASTSWMO/HQs/NETI), Sampling Training, Mid-Year ASTSWMO Sessions, Annual ASTSWMO Sessions, Arkansas Environmental Federation Meeting/Training, Inspection Documentation, Interviewing Techniques, Electronic Waste: Enforcement Issues Concerning Disposal, RCRA Subparts AA, BB, & CC, 40-Hour HAZWOPER (new inspectors), 8-Hour HAZWOPER Refresher (all field staff), Basic Inspector Training, RCRA Cradle-To-Grave, Introduction to RCRAInfo, Inspection Process. The ADEQ staff are in need of the following training: Authorization (focusing on what is a clusters mean; Subtitle C, Financial Assurance and RCRA Fundamentals



**PROGRAM ELEMENT #5 - INFORMATION MANAGEMENT****(\$60,000 allocated for Element #5)**

**Objective:** The ADEQ must maintain RCRAInfo databases in order to provide a complete and accurate picture of program accomplishments. The data retrieved from RCRAInfo should be reliable in order to support RCRA program goals developed for the Government Performance and Results Act (GPRA). The reporting of national RCRAInfo core elements is necessary to review and track RCRA program progress toward GPRA goals.

**Activity A: RCRAInfo**

The ADEQ will enter all quality-assured RCRAInfo data into the EPA database by the seventh (7<sup>th</sup>) working day of each month. The ADEQ should review and improve the current RCRA universes to assure a nationally consistent information base.

**Activity B: Institutional Control (IC) and Engineering Control (EC) Information**

ADEQ will enter into RCRAInfo all institutional control (IC) and engineering control (EC) information necessary to adequately review and track RCRA program progress toward GPRA goals. The objective of collecting and tracking this information is to ensure that remedies implemented remain protective over time. The RCRA Codes for ICs and ECs are CA770 and CA772. EPA Region 6 intends to collect and enter CA770 and CA772 information for facilities that currently have ICs or ECs to help address the backlog. ADEQ will enter new IC or EC information into RCRAInfo.

**EPA END-OF-YEAR COMMENTS:** ADEQ enters information into the databases timely, meeting the standard set forth in the workplan. EPA Region 6 will continue to provide assistance in resolving data issues, as requested.



**PROGRAM ELEMENT #6 - COMPLIANCE MONITORING**

(\$350,000 allocated for Elements #6 and #7)

**Objective:** The EPA and ADEQ will agree on the universe of facilities from which Compliance Evaluation Inspections (CEI), Comprehensive Ground-Water Monitoring Evaluation (CME) and Operation & Maintenance Inspections (O&M) will be selected. Should the inspection universe for ADEQ change during the year, adjustments will be made to the inspections targets.

**Activity A: ADEQ Inspection Activities**

**Task 1:** EPA shall adhere to the Program MOA and Enforcement MOU regarding federal inspection activities and notice to ADEQ.

ACTIVITY	2011 TARGETS	End Of Year TARGETS MET
Compliance Evaluation Inspections (CEIs)	20	66
Comprehensive Ground-Water Monitoring Evaluation (CME)	1	4
Operation & Maintenance Inspections (O&M)	3	9
Focused Compliance Inspections (FCI)	1	21
Financial Record Review (FRR)	3	8
Total Inspections at End of Year FY2009	28	108

In addition to the inspection noted in the above table, 1 Compliance Assistance Visit, 3 Follow-up inspections and 1 Corrective Action inspection were conducted.

The ADEQ will conduct required inspections at hazardous waste facilities. This includes 50% of TSDs, 20% of LQGs [5 year goal of all active LQGs], and 100% of federal TSDs. ADEQ will request and negotiate for flexibility under the NPM Guidance, as needed.

Screen-printed jackets and T-shirts will be procured and issued to all ADEQ RCRA Inspectors for visibility and safety during routine compliance monitoring inspections, special investigations, and emergency responses. These items will have both front and back identifying information, making the inspector easily recognizable to the public, regulated community, first responders, and other regulators.

**EPA END OF YEAR COMMENTS:** During the End Of Year of FY 2011 (10/1/2010 – 9/30/2011), ADEQ conducted inspections at 14 Treatment, Storage and Land Disposal (TSD) facilities (includes 1 Federal Facility). ADEQ inspected 91% of the Operating TSDF Universe (from an October 17, 2011 RCRAInfo report), exceeding the 50% annual coverage of Operating TSDFs. ADEQ conducted inspections at 31 Large Quantity Generators (LQGs). ADEQ inspected 23% of the LQG Universe (LQG Universe 131 based on an RCRAInfo pull at the beginning of the FY). Overall, ADEQ conducted 113 total inspections.



**Objective:** Maintain a high rate of compliance in accordance with the EPA Memorandum of Understanding (MOU) by taking timely, visible, and appropriate enforcement action against violators.

**EPA END OF YEAR COMMENTS:** The National Goal for SNC identification is 1.15% of inspections should result in identifying SNCs. There were 22 SNCs identified during the period of 10/1/2010 through 9/30/2011, resulting in a 25% SNC identification rate for ADEQ.

The number of sites in SNCs status, during this period is 22. Eleven (18) of the sites in SNC were addressed with formal enforcement (see table below), 17 of which were within the timelines outlined in the Enforcement Response Policy (ERP), the 1 remaining site is considered as “addressed timely” under an alternative scheduled as allowed by the ERP. The remaining facilities in SNC status were not due for enforcement at the time of this report.

In addition, 97 informal enforcement actions were issued to secondary violators.

*All Enforcement Actions issued during this period were within the timelines outlined in the ERP (includes those on an alternative schedule) and appear to be appropriate based on the data in RCRAInfo. 94% of final formal enforcement actions included a penalty, exceeding the National Goal of 39%.*







**Arkansas Department of Environmental Quality  
RCRA FY2011 End-Of-Year Review  
(10/1/2010 - 9/30/2011)**

**Data completeness, accuracy and timeliness (SRF Metric 1, 2 and 3):**

ADEQ's data in RCRAInfo is complete, accurate and timely.

**Inspection Coverage: Degree to which state completed the universe of planned inspections/compliance evaluations (SRF Metric 5):**

<b>TSDFs</b>	<b>Evaluation Count</b>	<b>Facility Count</b>	<b>Universe</b>	<b>% Covered *</b>	<b>State Evaluation Projection</b>
<i>Federal Facilities</i>	3	1			
<i>Private</i>	29	13			
<i>State Facilities</i>	0	0			
<b>Total</b>	32	14	11	91%**	6

Evaluation Count and Facility Count include all Evaluation Types conducted at any TSDF.

\*(This column only calculates the % covered using CEI, GME's and OAM Evaluation Types, for purposes of meeting the National Program Guidance requirement of evaluating 50% of the "Operating" TSDF Universe (100% every 2 years), multiple evaluations of the same facility count as only one inspection.) \*\* Inspections conducted at 10 Operating TSDFs were used in the calculation of Universe coverage, multiple evaluations of the same facility were not included in this count: (10/11 = 91%).

During the period of 10/1/20010 through 9/30/2011, ADEQ conducted 32 inspections at 14 Treatment, Storage and Land Disposal (TSD) facilities (includes 1 Federal Facilities). ADEQ inspected 91% of the Operating TSDF Universe (from a October 17, 2011 RCRAInfo report), exceeding the 50% annual coverage of Operating TSDFs.



<b>Large Quantity Generators</b>	<b>Evaluation Count</b>	<b>Facility Count</b>	<b>Universe</b>	<b>% Covered *</b>	<b>State Projection</b>
<i>Federal Facilities</i>	0	0			
<i>Private</i>	16	29			
<i>State Facilities</i>	2	2			
<b>Total</b>	32	31	131	23%	26

Evaluation Count and Facility Count include all Evaluation Types conducted at any LQG , including multiple inspections at a single facility.

\*(This column only calculates the % covered using CEI Evaluation Types, for purposes of meeting the National Program Guidance requirement of evaluating 20% of the LQG Universe annually (inspecting 100% of the LQG universe in 5 years), multiple evaluations of the same facility count as only one inspection.)

\*\*30 CEIs at LQGs were used in the calculation of Universe coverage, multiple evaluations of the same facility were not included in this count: (30/131= 23%).

During the period of 10/1/2010 through 9/30/2011, ADEQ conducted inspections at 31 Large Quantity Generators (LQGs). ADEQ inspected 23% of the LQG Universe (LQG Universe 131 based on a RCRAInfo pull at the beginning of the FY), exceeding the 20% annual NPM requirement.

<b>Other Facilities</b>	<b>Evaluation Count</b>	<b>Facility Count</b>	<b>Universe</b>	<b>% Covered</b>	<b>State Projection</b>
<i>Small Quantity Generators</i>	11	9			
<i>Conditionally Exempt Small Quantity Generators</i>	8	7			
<i>Not in Any Universe</i>	28	26			
<i>Transporters</i>	0	0			
<b>Total</b>	47	42	-	-	

Evaluation Count and Facility Count include all Evaluation Types conducted at Small Quantity Generators (SQGs), Conditionally Exempt Small Quantity Generators (CESQEG), Not in Any Universe and Transporters , including multiple inspections at a single facility.

\*(There is no National Program Guidance coverage requirement for these types of facilities)

During the period of 10/1/2010 through 9/30/2011, ADEQ conducted inspections at 42 "Other" Facilities.

One Compliance Assistance Visit was conducted during this period at a Small Quantity Generator, but not included in the above count due to HQ's counting criteria.



<b>Types of Inspections</b>	<b>Evaluation Count</b>
<i>CAC – Corrective Action Compliance</i>	1
<i>CAV – Compliance Assistance Visit</i>	1
<i>CEI – Compliance Evaluation Inspection</i>	66
<i>FCI – Focused Compliance Inspection</i>	21
<i>FRR – Financial Records Review</i>	8
<i>FUI – Follow-Up Inspection</i>	3
<i>GME – Groundwater Monitoring Evaluation</i>	4
<i>OAM – Operation and Maintenance</i>	9
<b>Total</b>	<b>113</b>

Evaluation Count includes all Evaluation Types at all facilities including multiple inspections at a single facility.

#### Violation Identification Rate at sites with inspections: (SRF Metric 7)

Of the 88 facilities that were inspected during this period, 62 facilities were found to have violations, based on information from RCRAInfo, this is a 70% violation discovery rate. (Breakdown of Universe and violations found: Land Disposal Facilities = 2, Storage/Treatment Facilities = 5, LQG = 25, SQG = 6, CESQG = 6, Transporters = 0, Not Any Universe/Non-Notifiers = 17). Some facilities inspected are still under review for potential violations, thus depending on the outcome the violation rate discovered could increase once these reviews are complete.



**State Inspection and Enforcement Analysis (4 Year Period)****Inspections/Enforcement:**

<b>ADEQ Fiscal Year</b>	<b>Number of Evaluations</b>	<b>Administrative Enforcement</b>	<b>Other Enforcement</b>
2008	85	16	67
2009	87	18	81
2010	117	21	108
2011	113	22	97

Inspection and enforcement information is from RCRAInfo.

Administrative Enforcement actions are initial formal orders (RCRAInfo Code: 210), combination of initial formal orders (RCRAInfo Code: 290), final orders (RCRAInfo Code 310), Initial civil judicial action for compliance and/or monetary penalty (RCRAInfo Code: 510), consent decrees (RCRAInfo Code: 610), and judicial orders (RCRAInfo Code 620) and final civil judicial action for interim corrective action (RCRAInfo Code 630).

Other Enforcement actions are verbal warnings (RCRAInfo Code: 110), notices of violations (RCRAInfo Code: 120), notice to comply (RCRAInfo Code: 122), letter of intent to initiate enforcement (RCRAInfo Code 140), and referrals (i.e., EPA, State Superfund, District Attorney, Criminal)

**Penalties:**

<b>ADEQ Fiscal Year</b>	<b>Final Penalties</b>	<b>SEP</b>
2008	\$195,214.37	\$8,000
2009	\$318,207.00	\$35,000
2010	\$174,618.75	\$0
2011	\$151,550.75	\$0

Penalty information is from RCRAInfo.

**Environmental Protection Agency, Region 6  
Resource Conservation and Recovery Act  
State Hazardous Waste Program Oversight Process**

**Arkansas Department of Environmental Quality  
FY 2011 Hazardous Waste Management Program**

**FY 2011  
End of Year Review  
October 1, 2010 thru September 30, 2011**



through forward-moving initiatives handed down from EPA headquarters is captured in the Development of National Initiatives.

### **Section 1: Cooperative Agreement Process**

- Review of the State's application for Section 3011 funding, including a thorough review of the costs associated with the activities to be accomplished.
- Negotiation of a work plan that reflects both State and EPA goals and responsibilities for the authorized RCRA program.
- Approval of a Quality Assurance Project Plan and Quality Management Plan before work begins.
- Communication with the State, through monthly conference calls if appropriate, to identify problems and successes as early as possible.
- Formal review of the State's performance at mid and end-of-the-program year, Possible revision.

### **Monitoring and Measuring Cooperative Agreement Commitments:**

Monitoring commitments consists of tracking the state's progress with implementation of the RCRA program as well as conducting a joint analysis with each state. The joint analysis includes evaluating the project outputs, identifying success, identifying opportunities for enhancement, identifying appropriate solutions, and tracking progress of action items. Follow-up on these items are essential to progress monitoring.

The purposes for monitoring program progress are to:

1. identify project outputs, successes, and opportunities for enhancement;
2. provide recommendations and associated time frames for addressing opportunities for improvement;
3. identify action items and follow-up on previously identified action items;
4. follow-up and document the status of EPA recommendations;
5. and, provide a communication mechanism to management on the successes and opportunities for enhancement.

Thirty calendar days following the mid-point and the end-of-the-project period, the Project Officer works up a progress report containing a summary of activities conducted and issues faced during the project period. The evaluation reports contain an assessment of the State's progress to date, and the probability of reaching the end goals. If the State's objectives or goals have changed, or if they foresee problems in meeting the end goals, the evaluation report must discuss the situation, and provide a plan of action with an associated time frame for addressing the problem. The final End-of-Year progress report should contain a self-evaluation of program activities, reflecting on the aspects of the program that were successful, and those that were unsuccessful. Each state must submit a final Financial Status Report (FSR) no later than 90 calendar days after the end of the project period.



## Section 2: Authorization Process

The workload for each Region 6 State's RCRA Program has increased steadily over time due to increased authorization of RCRA rules to the States. Over 326 rules have been promulgated under RCRA since the statute was signed into law in 1976.

Consistent with the national policy that RCRA is designed to be implemented by the States, Region 6 States have sought and been authorized to implement most of the federal program, including the RCRA "base program" (authorized in 1984). A summary of the major rules for which Region 6 States have sought and/or obtained authorization is presented in Table I.

**TABLE 1: KEY AUTHORIZATION RULE STATUS**

KEY RULE (CHECKLIST #)		State AR	State LA	State NM	State OK	State TX			
CORR. ACTION	17L	Y	Y	Y	Y	Y			
POST CLOSURE	174	Y	Y	Y	Y	O			
HWIR-MEDIA	175	Y	Y	Y	Y	Y			
LDR S + D	34	Y	Y	Y	Y	Y			
LDR PHASE II	137	Y	Y	Y	Y	Y			
LDR PHASE IV	167	Y	Y	Y	Y	Y			
BIF	85	Y	Y	Y	Y	Y			

(Y) Authorized

(O) Denotes State has adopted the rule, but authorization has not yet been granted

**Monitoring and Measuring Authorization Progress:** Region 6 uses the framework provided in the Capability Assessment guidance document issued by the Office of Solid Waste and Emergency Response, dated January 28, 1992, for this component of oversight.

## Section 3: Technical Assistance and Review Process

Region 6 has historically provided technical assistance to states in a wide variety of program areas; including program and information management, regulatory interpretations, technical assistance in areas such as ground water modeling, and other corrective action areas such as characterization of contamination, risk characterization and remedy selection/design.

### Permit Review Process

As part of our oversight role, EPA will monitor permit issuance, permit modifications as well as review both draft and issued permits for technical and programmatic consistency.



EPA routinely reviews draft permits that we receive and will continue to do so. The criteria for selecting issued permits/applications for review will consist of coordinating with each state on which applications will receive the most benefit from an oversight review, the types of permits, and the availability of documentation. The Region will request all permit information required for the review from the state agency authorized to implement the RCRA program. If the state is not able to provide the needed information then the Region will coordinate with the state to contact the facility directly to obtain the information.

The following table identifies the reviews to be conducted for each state:

State	AR	OK	LA	NM	TX
Annual Reviews	1	1	2	1	2

As part of our permit oversight the Region has implemented the RCRA Permitting Program review. This review is rotated among our Region 6 states. During this review we gather information on staffing, permitting process and permit status. In addition, we review the information with the states during a meeting. The review is finalized before the End of Year meeting.

### **Monitoring and Measuring Permit Progress**

One of our goals is to have approved controls in place at permitting baseline facilities in order to prevent releases from RCRA hazardous waste management units. Our second goal is to update controls by reaching our permit renewal goal. These goals along with our individual permit reviews and permitting program review are another way by which a state's permitting program will be measured.

### **Corrective Action Review Process**

### **Monitoring and Measuring Corrective Action Progress**

The Region 6 RCRA GPRA corrective action goal is that by 2020, EPA Region 6 and its state partners will strive to meet site-wide corrective action milestones at 95% of the 412 facilities in the Region identified as GPRA baseline facilities and believed to need corrective action documentation. The milestones are: 1) Current human exposures are under control (CA725); 2) Migration of contaminated ground water is under control (CA750); and 3) Remedy Construction (CA550). Progress toward these goals will be one way by which a state's corrective action program will be measured.

To further enhance the corrective action tracking system for the attainment of the 2020 Corrective Action goals, the Region will request semi-annual updates of estimated projections for completion of facility-wide corrective action milestones for human exposures and ground water controlled (CA725/CA750) and estimated projections for the construction completion (CA550).



## **Corrective Action Review Process**

As part of our oversight role, EPA will monitor the state's corrective action program by reviewing remedy decision documents (Statement of Basis, Remedial Action Decision Document, Fact Sheet, etc.) that have been issued or in the process of being issued. At least one document per state will be reviewed each grant year for technical and programmatic consistency with the federal requirements. Documents related to corrective action other than remedy decision documents can be substituted or added at EPA's discretion.

The criteria for selecting documents will consist of coordinating with each state on which documents will receive the most benefit of an oversight review and the availability of documentation. The Region will request all corrective action information required for the review from the state agency authorized to implement the RCRA program. If the state is not able to provide the needed information then the Region will coordinate with the State on contacting the facility directly to obtain the information.

In addition, as part of corrective action oversight responsibility, the Region is implementing the "RCRA Corrective Action Program Review". This review is a more detailed look at the implementation and management of a state's corrective action program and is described in more detail in a document by that name. One state will be reviewed each year rotating among the Region 6 states. During this review process, we will gather information on staffing, corrective action process and corrective action status. The information to be reported will be discussed with the state during a review meeting. The review will be finalized prior to the end of year grant review meeting or conference call.

## **Section 4: Data Management Process**

The states must maintain the RCRAInfo database in order to provide a complete and accurate picture of program accomplishments and to support RCRA program goals developed for the Government Performance and Results Act (GPRA). The reporting of the nationally required RCRAInfo core elements is necessary to review and track RCRA program progress. A complete list of the nationally defined and required values for both Permit Event Codes and Corrective Action Event Codes can be found on the RCRAInfo website under the "Help" screens.

### **Monitoring and Measuring Data Management:**

Data management reviews are part of the midyear and end-of-year review process, as covered under the Cooperative Agreement process.

## **Section 5: Progress of Voluntary Programs**

EPA and the states work together to promote several national initiatives. Two prominent programs in Region 6 are the Ready for Reuse Program and the National Partnership for Environmental Priorities (NPEP). These programs are voluntary for the states and participating companies. EPA appreciates the states' participation in and assistance with the following activities for NPEP:

- recruiting partners for NPEP, in conjunction with state recruiting efforts or through recruiting for NPEP from current state partners;




#### Section 4: RCRA Data Management Review

4a) Updates databases in a timely way	★	ADEQ enters info into the databases timely, meeting the standard set forth in the work plan.
4b) Conducts Staff Training	★	All States meeting in March was well attended by ADEQ.

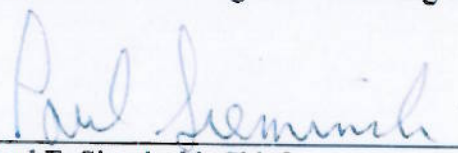
#### Section 5: Progress of Voluntary Programs

5a) Evaluation of voluntary programs advancing national initiatives	★	Ready for Reuse: No RfR candidates were identified during the second half of the fiscal year.
5b) Progress for meeting new GPRA goals aligned with new initiatives.	★	<p>Land Revitalization: R6CATS was rolled out at the All-States meeting in early April. EPA staff is making final revisions to the database to ensure that it meets states' needs and expects to announce its availability date in December.</p> <p>In May, EPA coordinated with ADEQ to verify land revitalization status for national reporting. In response, ADEQ completed and provided the Region with sitewide/areawide RAU determinations for a number of state-lead RCRA 2020 facilities. The Region appreciates the ADEQ's efforts to complete the RAU and status/type of use checklists for annual reporting to EPA HQ.</p> <p>EPA is evaluating options/opportunities to provide Green Remediation/Renewable Energy Training to ADEQ Project Managers in FY 12, in light of travel funding issues.</p>

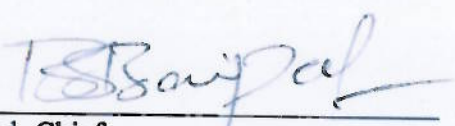
<sup>1</sup> KEY: ★ = Meets federal requirement    √ = Needs enhancement

  
Susan Spalding, Associate Division Director  
RCRA Programs  
Multimedia Planning and Permitting Division

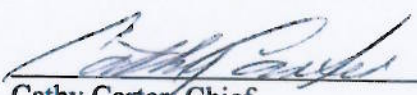
Date: 1/10/12

  
Paul E. Sieminski, Chief  
State/Tribal Oversight Section  
Multimedia Planning and Permitting Division

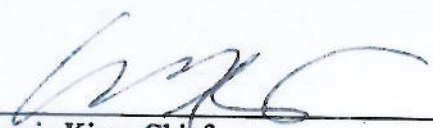
Date: 1/5/12

  
Ben Banipal, Chief  
Corrective Action/Waste Minimization Section  
Multimedia Planning and Permitting Division


Date: 1/6/12

  
Cathy Carter, Chief  
Strategic Planning/Information Management Section  
Multimedia Planning and Permitting Division

Date: 1/5/12

  
Laurie King, Chief  
Federal Facilities Section  
Multimedia Planning and Permitting Division

Date: 1-6-12

  
Kishor Fruitwala, Chief  
Facility Assessment Section  
Multimedia Planning and Permitting Division

Date: 1-9-12





**PROGRAM ELEMENT #3 - CORRECTIVE ACTION** (\$250,000 is allocated for Element #3)

**Objective:** The Corrective Action program has these overriding program goals:

1. Focus program resources and actions at GPRA priority facilities.
2. Maximize actual environmental results.
3. Streamline and accelerate the pace of the program.

RCRA Info Codes	Corrective Action	FY2011 Targets	FY2011 MIDYEAR Targets Met
CA725	Human Exposures Controlled (total completed by End of Year)	0	
CA750	Groundwater Releases Controlled (total completed by End of Year)	0	ARR000005736 - Kearney National Inc.
CA400	Entire Facility Remedy Selected/Corrective Measures Imposed (total completed by End of Year)	0	ARD000021998 – Lion Oil Company SWMU 5 - Acid Tar Pits SWMUs 2, 3, 6 & 15 (CAMUs) SWMUs 2, 3, & 18 (CAMUs)
CA550	Entire Facility Remedy Completed or Construction Completed (total completed by End of Year)	1	0
	Other EPA and/or State Corrective Action Priorities	0	
CA350 CA375 CA400	Corrective Measures (CMS) Reports Approved Decision on Petition for No Further Action Remedy Selected/CM Imposed (Unit Level)	0	
CA550 CA600 CA650 CA999	Remedy Completed or Construction Completed (Unit Level) Stabilization Measures Implemented Stabilization Measures Completed CA Terminated (Entire Facility)	0	

**Footnote:** ADEQ reserves the right to trade out the 1 Corrective Action activity listed in "Other EPA and/or State Corrective Action Priorities" or in "Entire Facility Remedy Selected/Corrective Measures Imposed" for other Corrective Action activities that at least equal the man hours committed to in this Program Element.

**Achievements/Projections for 31 Arkansas Facilities on the Region 6 GPRA 2020 Baseline as related to the 2020 GPRA Region 6 Goals**

	FY09*	FY11**	FY11 Actual vs Grant	FY11 Goal	FY20 Goal
CA725 Human Exposures	30/31 (97%)	30/31 (97%)	0/0	72%	29 (95%)
CA750 Ground Water	26/31 (84%)	28/31 (90%)	1/0	64%	29 (95%)
CA400 Remedy Selection	25/31 (81%)	27/31 (87%)	1/1		
CA550 Construction Complete	20/31 (65%)	22/31 (71%)	0/0	38%	29 (95%)

\* Actual number of total facilities on baseline achieving measurement as of 10/13/2009.

\*\* Actual number of total facilities on baseline Achieving measurement as of 04/12/2011



## **CORRECTIVE ACTION STREAMLINING AND RE-USE ACTIVITIES WITH ADEQ**

**Objective:** The corrective action program is now driven by four new site-wide GPRA environmental indicators (EIs): the control of current human exposure (CA725), the control of the migration of contaminated ground water (CA750), remedy selected (CA400) and construction complete (CA550). EPA included the first two indicators as performance objectives for high-priority RCRA facilities to be achieved by the end of FY2005, and set a new goal for all four to be achieved by the end of FY2008. ADEQ has made great progress over the past several years in instituting corrective action streamlining concepts into their cleanup program.

**Activity A:** Region 6 and ADEQ will continue to work together to further develop and implement practical, innovative performance and risk-based corrective action strategies to achieve both state and federal cleanup goals and priorities. Streamlined approaches used during sampling, analysis, risk evaluation, and information management activities will lead to smarter, faster work strategies, resulting in long term protective remedies. Lessons learned from these approaches will be used to guide the way data is collected and analyzed for future site cleanup decisions in other state programs and regions.

**Activity B:** ADEQ will continue to support the RCRA Brownfields and Ready for Reuse programs.

**Activity C:** Region 6 and ADEQ will work together to implement the new land reuse measures and indicators pursuant to the EPA's February 21, 2007, "Guidance for Documenting and Reporting RCRA Subtitle C Corrective Action Land Revitalization Indicators and Performance Measures."

**Activity D:** ADEQ will assist Region 6 in obtaining and verifying land reuse measures and indicators information for the 2008 and 2020 GPRA baseline facilities, which is not available in the RCRAInfo database. Such information may include:

- Cleanup status (e.g., CA725, 750, 400, 550, 800, 999) for site-wide or area-specific determinations
- Institutional controls and/or engineering controls in place
- Acres
- Types of use
- Status of use

**Activity E:** Region 6 and ADEQ will work together to enhance greener cleanups in FY2011. EPA and ADEQ will encourage the following remediation principles and practices:

- Reuse: Re-using material onsite during remediation activities, such as using onsite water for dust suppression; re-using (instead of scrapping) emptied cylinders or tanks, re-using bricks extracted during demolition
- Re-cycling: Salvaging and selling scrap materials
- Waste Stream Reduction: Treating wastes onsite versus transfer for offsite disposal; carefully managing wastes streams to segregate wastes into lesser categories (determined on a case-by-case basis)
- Resource Conservation: Using cleaner energy; using alternative energy sources; reducing the volume of clean water needed

### **EPA MIDYEAR COMMENTS:**

No ready for reuse candidates were identified in the first half of FY 11. R6CATS was rolled-out during the All-States meeting in April. EPA will be coordinating with ADEQ staff in the second half of the fiscal year to verify land revitalization status (Ready for Anticipated Use, Status/Type of Use) for national reporting. Region 6 will also be coordinating with ADEQ regarding providing Green Remediation/Renewable Energy Training for State Project Managers in the second half of the fiscal year (travel funding permitting).

**PROGRAM ELEMENT #4 - PROGRAM MANAGEMENT****(\$65,000 allocated for Element #4)**

**Objective:** The EPA will transmit all significant guidance documents to ADEQ with a cover letter clearly stating the purpose of the documents. Within forty-five (45) days after receipt, ADEQ will provide EPA a written response identifying any problems with guidance implementation. The EPA and ADEQ will arrive at a solution/decision on guidance implementation pursuant to the EPA/ADEQ Memorandum of Agreement (MOA).

**Activity A: Quality Assurance**

The ADEQ must submit an updated FY2011 Quality Assurance Project Plan (QAPP) sixty (60) days prior to October 1, 2011. If there have been no changes to the QAPP from FY2010, ADEQ must submit a new signature page and documentation stating that the QAPP is current.

**Activity B: Training**

The ADEQ will present the RCRA core curriculum courses or their equivalent as needed for new staff and ensure all ADEQ personnel are kept up-to-date in all new rules and regulations. Training for RCRA inspectors must be provided to ensure compliance with EPA Order 3500.1.

**EPA MIDYEAR COMMENTS:** Arkansas [ADEQ] always submits any changes or updates to the QAPP timely. ADEQ has provided Sampling Training, McCoy's RCRA Unraveled, RCRA Inspector Workshop, QA/QC webinar, AA, BB, CC webinar and attended the All States Meeting in Dallas in April.



**PROGRAM ELEMENT #5 - INFORMATION MANAGEMENT****(\$60,000 allocated for Element #5)**

**Objective:** The ADEQ must maintain RCRAInfo databases in order to provide a complete and accurate picture of program accomplishments. The data retrieved from RCRAInfo should be reliable in order to support RCRA program goals developed for the Government Performance and Results Act (GPRA). The reporting of national RCRAInfo core elements is necessary to review and track RCRA program progress toward GPRA goals.

**Activity A: RCRAInfo**

The ADEQ will enter all quality-assured RCRAInfo data into the EPA database by the seventh (7<sup>th</sup>) working day of each month. The ADEQ should review and improve the current RCRA universes to assure a nationally consistent information base.

**Activity B: Institutional Control (IC) and Engineering Control (EC) Information**

ADEQ will enter into RCRAInfo all institutional control (IC) and engineering control (EC) information necessary to adequately review and track RCRA program progress toward GPRA goals. The objective of collecting and tracking this information is to ensure that remedies implemented remain protective over time. The RCRA Codes for ICs and ECs are CA770 and CA772. EPA Region 6 intends to collect and enter CA770 and CA772 information for facilities that currently have ICs or ECs to help address the backlog. ADEQ will enter new IC or EC information into RCRAInfo.

**EPA MIDYEAR COMMENTS:** ADEQ enters information into the databases timely, meeting the standard set forth in the workplan. EPA Region 6 will continue to provide assistance in resolving data issues, as requested. Additionally, the All States' RCRAInfo Webinar/Conference Call held on April 13, 2011 was well attended by ADEQ. Region 6 appreciates ADEQ's continued assistance in resolving issues that arise with the EasiTrak vendor during Biennial Report (BR) cycles.

**Arkansas Department of Environmental Quality  
RCRA FY2011 End-Of-Year Review  
(10/1/2010 - 9/30/2011)**

**Data completeness, accuracy and timeliness (SRF Metric 1, 2 and 3):**

ADEQ's data in RCRAInfo is complete, accurate and timely.

**Inspection Coverage: Degree to which state completed the universe of planned inspections/compliance evaluations (SRF Metric 5):**

<i>TSDFs</i>	Evaluation Count	Facility Count	Universe	% Covered *	State Evaluation Projection
<i>Federal Facilities</i>	3	1			
<i>Private</i>	29	13			
<i>State Facilities</i>	0	0			
<b>Total</b>	32	14	11	91%**	6

Evaluation Count and Facility Count include all Evaluation Types conducted at any TSDf.

\*(This column only calculates the % covered using CEI, GME's and OAM Evaluation Types, for purposes of meeting the National Program Guidance requirement of evaluating 50% of the "Operating" TSDf Universe (100% every 2 years), multiple evaluations of the same facility count as only one inspection.) \*\* Inspections conducted at 10 Operating TSDFs were used in the calculation of Universe coverage, multiple evaluations of the same facility were not included in this count: (10/11 = 91%).

During the period of 10/1/20010 through 9/30/2011, ADEQ conducted 32 inspections at 14 Treatment, Storage and Land Disposal (TSD) facilities (includes 1 Federal Facilities). ADEQ inspected 91% of the Operating TSDf Universe (from a October 17, 2011 RCRAInfo report), exceeding the 50% annual coverage of Operating TSDFs.



<b>Large Quantity Generators</b>	<b>Evaluation Count</b>	<b>Facility Count</b>	<b>Universe</b>	<b>% Covered *</b>	<b>State Projection</b>
<i>Federal Facilities</i>	0	0			
<i>Private</i>	16	29			
<i>State Facilities</i>	2	2			
<b>Total</b>	32	31	131	23%	26

Evaluation Count and Facility Count include all Evaluation Types conducted at any LQG , including multiple inspections at a single facility.

\*(This column only calculates the % covered using CEI Evaluation Types, for purposes of meeting the National Program Guidance requirement of evaluating 20% of the LQG Universe annually (inspecting 100% of the LQG universe in 5 years), multiple evaluations of the same facility count as only one inspection.)

\*\*30 CEIs at LQGs were used in the calculation of Universe coverage, multiple evaluations of the same facility were not included in this count:  
(30/131= 23%).

During the period of 10/1/2010 through 9/30/2011, ADEQ conducted inspections at 31 Large Quantity Generators (LQGs). ADEQ inspected 23% of the LQG Universe (LQG Universe 131 based on a RCRAInfo pull at the beginning of the FY), exceeding the 20% annual NPM requirement.

<b>Other Facilities</b>	<b>Evaluation Count</b>	<b>Facility Count</b>	<b>Universe</b>	<b>% Covered</b>	<b>State Projection</b>
<i>Small Quantity Generators</i>	11	9			
<i>Conditionally Exempt Small Quantity Generators</i>	8	7			
<i>Not in Any Universe</i>	28	26			
<i>Transporters</i>	0	0			
<b>Total</b>	47	42	-	-	

Evaluation Count and Facility Count include all Evaluation Types conducted at Small Quantity Generators (SQGs), Conditionally Exempt Small Quantity Generators (CESQEG), Not in Any Universe and Transporters , including multiple inspections at a single facility.

\*(There is no National Program Guidance coverage requirement for these types of facilities)

During the period of 10/1/2010 through 9/30/2011, ADEQ conducted inspections at 42 "Other" Facilities.

One Compliance Assistance Visit was conducted during this period at a Small Quantity Generator, but not included in the above count due to HQ's counting criteria.

<b>Types of Inspections</b>	<b>Evaluation Count</b>
<i>CAC – Corrective Action Compliance</i>	1
<i>CAV – Compliance Assistance Visit</i>	1
<i>CEI – Compliance Evaluation Inspection</i>	66
<i>FCI – Focused Compliance Inspection</i>	21
<i>FRR – Financial Records Review</i>	8
<i>FUI – Follow-Up Inspection</i>	3
<i>GME – Groundwater Monitoring Evaluation</i>	4
<i>OAM – Operation and Maintenance</i>	9
<b>Total</b>	<b>113</b>

Evaluation Count includes all Evaluation Types at all facilities including multiple inspections at a single facility.

#### **Violation Identification Rate at sites with inspections: (SRF Metric 7)**

Of the 88 facilities that were inspected during this period, 62 facilities were found to have violations, based on information from RCRAInfo, this is a 70% violation discovery rate. (Breakdown of Universe and violations found: Land Disposal Facilities = 2, Storage/Treatment Facilities = 5, LQG = 25, SQG = 6, CESQG = 6, Transporters = 0, Not Any Universe/Non-Notifiers = 17). Some facilities inspected are still under review for potential violations, thus depending on the outcome the violation rate discovered could increase once these reviews are complete.



**Enforcement:****Significant Non-Compliers (SRF Metric 8):**

The National Goal for SNC identification is 1.15% of inspections should result in identifying SNCs. There were 22 SNCs identified during the period of 10/1/2010 through 9/30/2011, resulting in a 25% SNC identification rate for ADEQ.

The number of sites in SNCs status, during this period is 22. Eighteen (18) of the sites in SNC were addressed with formal enforcement (see table below), 17 of which were within the timelines outlined in the Enforcement Response Policy (ERP), the 1 remaining site is considered as "addressed timely" under an alternative scheduled as allowed by the ERP. The remaining facilities in SNC status were not due for enforcement at the time of this report.

**SNC Addressed with Formal Enforcement:**

Facility Name	ID #	Evaluation Date	Enf. Type	#Days	Settled Penalty	Collected	SEP
Amerimax Coated Products	ARR000000083	10/14/10	310	210	\$13,500.00	\$13,500.00	\$0
AMKO Service Co.	ARD092925619	9/9/10	310	140	\$2,125.00	\$2,125.00	\$0
B&M Painting Co., Inc.	ARD983286162	5/13/10	310	230	\$11,750.00	\$11,750.00	\$0
Bunn Engine Rebuilders	ARR000021758	9/28/10	310	351	\$6,625.00	\$0	\$0
Clean Harbors El Dorado	ARD069748192	4/19/10	310	269	\$6,600.00	\$6,600.00	\$0
Clean Harbors El Dorado	ARD069748192	5/22/10	310	236	\$0	\$0	\$0
Clean Harbors Environment	ARD069743110	4/22/10	310	273	\$800.00	\$800.00	\$0
Danaher Tool Group	ARD044484780	6/23/10	310	145	\$2,500.00	\$2,500.00	\$0
FM Structural Plastics	ARD086635018	1/26/11	310	219	\$12,125.00	\$0	\$0
Gerdau Macsteel	ARD053730701	11/30/09	210	318	\$0	\$0	\$0
Gerdau Macsteel	ARD053730701	11/30/09	310	616	\$2,500.00	\$2,500.00	\$0
Great Southern Wood	ARD067677286	3/24/11	530	113	\$0	\$0	\$0
Great Southern Wood	ARD067677286	3/24/11	630	175	\$0	\$0	\$0
Lacroix Optical Co	ARD005072079	2/23/11	310	205	\$4,500.00	\$0	\$0
LM Wind Power Blades	ARR000018010	7/21/10	310	191	\$13,500.00	\$13,500.00	\$0
Natural Gas Pipeline Co	ARD075655670	3/16/10	310	209	\$10,500.00	\$10,500.00	\$0
Norene Ware Property	ARR000021683	8/31/10	320	301	\$0	\$0	\$0
Plant Diesel	ARR000019158	6/11/09	210	802	\$0	\$0	\$0
Plant Diesel	ARR000019158	6/11/09	320	802	\$0	\$0	\$0
Pinnacle Biofuels, Inc.	ARR000017897	11/9/10	210	28	\$0	\$0	\$0
Pinnacle Biofuels, Inc.	ARR000017897	11/9/10	310	660	\$52,682.00	\$5,269.20	\$0
Rineco Chemical Industries	ARD981057870	6/28/10	310	192	\$2,062.50	\$2,062.50	\$0
Superior Well Services	ARR000021972	3/22/11	310	65	\$9,781.25	\$9,781.25	\$0

**210** = Initial (3008) Compliance Order; **310** = Final 3008(a) Compliance Order; **530** = Initial Civil Judicial Action for Corrective Action; **630** = Final Civil Judicial Action for Interim Corrective Action

<b>Secondary Violators (SVs)</b>
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**Formal Enforcement Actions:**

Facility Name	ID #	Evaluation Date	Enf. Type	#Days	Settled Penalty	Collected	SEP
None							

**Informal Enforcement Actions:**

Type of Action	Facilities	Number of Actions
Written Informal (RCRAInfo Code 120)	52	54
Letter of Intent to Initiate Enforcement (RCRAInfo Code 140)	24	26
Proposed CAO (RCRAInfo Code 149)	15	17
<b>Total</b>	<b>91</b>	<b>97</b>

*24 of the 140's and 18 of the 149's listed above were issued to SNCs.*

<b>Timely and Appropriate Enforcement (SRF Metric 10):</b>
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*All Enforcement Actions issued during this period were within the timelines outlined in the ERP and appear to be appropriate based on the data in RCRAInfo. 94% of final formal enforcement actions included a penalty, exceeding the National Goal of 39%.*